

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK
ROCHESTER DIVISION

In re:

Shemarray T. Robinson,

Case No.: 16-20241-PRW
NOTICE OF MOTION
Chapter 13

Debtor.

PLEASE TAKE NOTICE that a hearing will be held before the Honorable Paul R. Warren, Bankruptcy Judge, on **July 12, 2018, at 10:00 a.m.** at the United States Bankruptcy Court, 1220 U.S. Courthouse, 100 State Street, Rochester, NY 14614, to consider the motion filed by the Chapter 13 Trustee, George M. Reiber, seeking (1) dismissal of the above entitled case and (2) such other and further relief as the Court may deem just and proper.

DATED: June 13, 2018
Rochester, New York

/s/

George M. Reiber
Chapter 13 Trustee
3136 S. Winton Road
Rochester, NY 14623
(585) 427-7225

To: Shemarray T. Robinson
Nicole Kolczynski, Esq.
Peter Grubea, Esq.
U.S. Trustee

NOTICE REGARDING ADJOURNMENT POLICY:

Please be advised the Trustee will NOT consent to adjourn this motion unless 1) opposition is timely filed; or 2) an agreement to adjourn between the parties is reached on or before three (3) business days prior to the motion's return date and filed with Court. Ultimately all adjournments are granted at the discretion of the Court.

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK
ROCHESTER DIVISION

In re:

Shemarray T. Robinson,

Debtor.

Case No.: 16-20241-PRW
MOTION TO DISMISS
Chapter 13

George M. Reiber, Chapter 13 Trustee, respectfully moves this Court for a dismissal of the above entitled case pursuant to Fed. R. Bankr. P. 1017 and 11 U.S.C. §1307(c)(1) for unreasonable delay prejudicial to creditors and §1307(c)(6) for material default by the Debtor with respect to the terms of the confirmed plan. Debtor has failed to maintain plan payments. In support of this motion, the Trustee alleges as follows:

1. On March 10, 2016, the Debtor filed a voluntary petition commencing a case under Chapter 13 of the Bankruptcy Code. A Chapter 13 repayment plan was filed and stated that the monthly plan payment would be \$3,300. The term of the plan was sixty months. Plan payments were to be made by voluntary order. This plan was confirmed.

2. The Trustee sent a plan payment default letter to the debtor. Thereafter, the debtor called the Trustee's office in regards to the delinquency and stated that he would to increase plan payments. A settlement letter was filed on July 12, 2017, to increase plan payments to \$3,458 monthly for the duration of the plan.

3. Since the agreement, the debtor has made sporadic plan payments. If no other payments are received as of the return date of this motion, plan payments will be in default \$25,925.00. See Exhibit A.

WHEREFORE, the Trustee respectfully requests this Court

- A. dismiss the above entitled case for the reasons set forth above; and
- B. grant any other relief as the Court deems just and proper.

DATED: June 13, 2018
Rochester, New York

/s/

George M. Reiber
Chapter 13 Trustee
3136 S. Winton Road
Rochester, NY 14623
(585) 427-7225

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NEW YORK
ROCHESTER DIVISION

In re:

Shemarray T. Robinson,)	Case No.: 16-20241-PRW
)	
)	Chapter 13
)	
)	
Debtor.)	

CERTIFICATE OF SERVICE

I certify that on June 13, 2018, I served a copy of the Motion to Dismiss pursuant to 11 U.S.C. Section 1307, the Notice, along with Exhibit A and Proposed Order, by First Class United States Mail, with adequate postage to ensure delivery to the following:

Shemarray T. Robinson
115 Chili Avenue
Rochester, NY 14611

/s/ _____
Donna M. Sheesley

Peter Grubea, Esq,
336 Harris Hill Road, 2nd Floor
Williamsville, NY 14221

Nicole Kolczynski, Esq.
Attorney for JPMorgan Chase Bank
175 Mile Crossing Blvd.
Rochester, NY 14624

U.S. Trustee's Office
100 State St.
Room 6090
Rochester, NY 14614